

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE \_\_\_\_\_ DISTRICT OF TEXAS  
\_\_\_\_\_ DIVISION

United States Courts  
Southern District of Texas  
FILED

JUN 26 2018

David J. Bradley, Clerk of Court

Robert Sean Milligan #135975  
Plaintiff's Name and ID Number

San Patricio County Jail, TX  
Place of Confinement

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.

Nueces Co., Texas 901 Leopard St., Corpus Christi, TX 78401.  
Defendant's Name and Address

Nueces Co. Sheriff's Dept., 901 Leopard St., Corpus Christi, TX  
Defendant's Name and Address

Deputy Francisco Campos #111323 / 901 Leopard St., CC, TX 78401  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of \$400.00.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

#### CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

#### I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? ☒ YES ☐ NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: 2017
2. Parties to previous lawsuit:  
Plaintiff(s) Robert Sean Milligan  
Defendant(s) Mueces County
3. Court: (If federal, name the district; if state, name the county.) Fed., Southern District, TX
4. Cause number: 2:17-CV-239
5. Name of judge to whom case was assigned: Libby
6. Disposition: (Was the case dismissed, appealed, still pending?) Dismissed
7. Approximate date of disposition: 10-20-2017

II. PLACE OF PRESENT CONFINEMENT: San Patricio County Jail

Previous Lawsuits:

2nd

1.) Approximate date: 2004/2005

2.) Parties:

Plaintiff: Robert Sean Milligan

Defendant: City of Corpus Christi, TX

3.) Court: Southern District of Texas

4.) 2:04-CV-530

5.) Janice Graham Jack

6.) Disposition: Settled

7.) Appox. date: 2005

Previous Lawsuits: 3rd

1.) Date: 2007/2008

2.) Parties:

Plaintiff: Robert Sean Milligan

Defendants: City of Corpus Christi, TX

3.) Court: Southern District of Texas

4.) Cause # : 2:08-CV-133

5.) Judge: Janis Graham Jack

6.) Disposition: Settled.

7.) Approx. Date: 2009

Previous Lawsuits:

4th

1.) Date: 2008

2.) Parties:

Plaintiff: Robert Sean Milligan

Defendants: Nueces Co. & Health Care  
Provider, Memorial Medical  
Hospital.

3.) Court: Southern District of Texas

4.) Cause# : N/A

5.) Judge: Hayden Head

6.) Disposition: Dismissed

7.) Approx. Date: 2009

## III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? ☐ YES ☒ NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

*I cannot grieve a Nueces Co. issue from San Patricio Co. Jail*

## IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Robert Sean Milligan #135975

P.O. Box 1382  
Sinton, TX 78387

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Nueces County Texas, 901 Leopard St.,  
Corpus Christi, TX 78401

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Excessive force, Cruel and Unusual Punishment, Sexual Harassment

Defendant #2: Nueces County Sheriff's Department, 901  
Leopard St., Corpus Christi, TX 78401

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

cc

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Defendant #3: Deputy Francisco Campos #111323, 901  
Leopard St., Corpus Christi, TX 78401

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Excessive force, cruel and unusual punishment, sexual harassment

Defendant #4: N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Defendant #5: N/A

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

## V. STATEMENT OF CLAIM:



State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On 03-21-17, while under arrest and in custody of Nueces County Jail, NCJ, and Deputy Francisco Campos, badge/ID #111323, on the second floor, of NCJ, Intake and Booking, I was escorted into the NCJ "employee restroom" by Officer Campos and two unknown named NCJ officers/jailers. After entering said restroom and as soon as the restroom door closed, I was shoved from the back by one of the officers, losing my footing, I fell to the floor, striking my head on the back wall of the restroom. I was pulled back to my feet by the hair and shoulder, one of the officers arms under my arm-pit. I was then made to strip naked. Once naked, Campos instructed me

#### VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I am seeking punitive damages, \$75,000.00; Emotional damages \$75,000.00; and physical damages \$75,000.00

#### VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Robert Sean Milligan

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

TDCJ 1527139, 1283494, 1009545; NCJ 10032876; San Pat 135975

#### VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO

N/A

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## Continuation of Part V. Statement of Claim:

to turn around, C facing away from Officer Campos) bend over and spread my buttocks.

Officer Campos asked me, "Do you like this position, long-haired faggot?"

I responded, "No I don't, but you must be the one that you're the one that asked me to assume this position."

Officer Campos said, "This is no time for you to be a smart-ass to me!"

"Now, put your hands on your head and squat and cough!"

I did as instructed: I squat and coughed. While I was still squatting, Officer Campos kicked me in my scrotum, causing me great pain.

Officer Campos then said, "That's what happens to smart-asses in this jail! Now, get dressed, we're gonna go back out, and no more smart-ass comments, or I'll hit you again!"



## Continuation Part V. Statement of Claim:

I stood up, put my clothes on, while the officers chuckled at me.

Officer Campos asked me, "Have you caught your breath, you got it together?"

I said, "Yes, I do, sorry."

Campos said, "Consider this a warning: if you say anything about this I'll charge you with assaulting a public servant and resisting arrest."

We then left the restroom.

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES ☒ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning was issued: N/A

Executed on: 6-25-18  
DATE

Robert Sean Milligan  
R.S. Milligan  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 25th day of June, 20 18.  
(Day) (month) (year)

R.S. Milligan  
R.S. Milligan  
(Signature of Plaintiff)

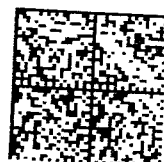
**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

Robert M. Milligan  
PFD# 135975  
P.O. Box 1382  
Sutton, TX 78387

United States Court  
Southern District of Texas  
JUN 26 2018  
David J. Bradley, Clerk of Court

Clerk

United States District Court  
Southern District of Texas  
1133 North Shoreline Blvd,  
Corpus Christi, TX 78401



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